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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

<b>MR. FRANKLIN PAULUS,</b>	)	
	)	<b>Case No.2:11-cv-00903-GMN-VCF</b>
<b>Plaintiff,</b>	)	
	)	<b>MOTION FOR EXTENSION OF TIME</b>
<b>v.</b>	)	<b>(Second Request)</b>
	)	
<b>UNITED STATES DEPARTMENT OF</b>	)	
<b>EDUCATION, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**COMES NOW** Defendant, United States Department of Education,  
 by and through Daniel G. Bogden, United States Attorney for the  
 District of Nevada, and Carlos A. Gonzalez, Assistant United  
 States Attorney, and respectfully moves for a thirty (30) day  
 extension of time to and including March 30, 2012, in which to  
 file a responsive pleading to Plaintiffs' Complaint.

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1 In support of this request for an extension of time,  
2 Defendants rely upon the Memorandum of Points and Authorities set  
3 forth below.

4 DATED this 29<sup>TH</sup> day of February 2012.

5 Respectfully submitted,

6 DANIEL G. BOGDEN  
7 United States Attorney

8 /s/ CARLOS A. GONZALEZ  
9 Carlos A. Gonzalez  
Assistant United States Attorney

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. PROCEDURAL BACKGROUND**

Plaintiff filed his complaint on or around June 6, 2011. The summons and complaint were served on the United States Attorney's Office on November 29, 2011.

The current due date for the Defendant of Education filing of a responsive pleading is February 29, 2012.

**II. ARGUMENT**

The Federal Rules of Civil Procedure provide for an enlargement of time for cause shown.

When an act may or must be done within a specified time, the court may, for good cause, extend the time . . . if a request is made, before the original time or its extension expires . . . .  
Fed. R. Civ. P., Rule 6(b).

This request is made prior to the expiration of time permitted to respond to Plaintiff's Complaint.

Presently, the Department of Education's responsive pleading to the complaint is near completion. However, some of the exhibits needed to document defendants assertions are in the process of being redacted and forwarded to undersigned counsel for its inclusion in the defendant's responsive pleading.

Although most of the requested exhibits have been received, some are in need of additional work by the Department of Education.

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1 **III. CONCLUSION**

2 Therefore, the Defendant respectfully request that this  
3 honorable Court grant an additional thirty (30) day extension of  
4 time, up to and including March 30, 2012, to respond to  
5 Plaintiff's Complaint.

6 DATED this 29<sup>th</sup> day of February 2012.

7 Respectfully submitted,  
8 Daniel G. BOGDEN  
United States Attorney

9 //S/ CARLOS A. GONZALEZ  
10 CARLOS A. GONZALEZ  
Assistant United States Attorney

11  
12 IT IS SO ORDERED:

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UNITED STATES MAGISTRATE JUDGE

16 DATE: 3-8-2012  
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